

ATTACHMENT A

KRAFT FOODS GLOBAL, INC.; THE)
KELLOGG COMPANY; GENERAL)
MILLS, INC.; and NESTLÉ USA,)
INC.,)

Case No. 11 CV 8808

Chicago, Illinois

October 23, 2023
9:05 a.m.

VOLUME 5-A

TRANSCRIPT OF PROCEEDINGS - Trial
BEFORE THE HONORABLE STEVEN C. SEEGER, and a Jury

For the Plaintiffs:

JENNER & BLOCK, LLP
BY: MR. BRANDON FOX
MS. SATI HARUTYUNYAN
MS. AMY GALLEGOS
515 South Flower Street
Suite 3300
Los Angeles, CA 90071-2246

JENNER & BLOCK, LLP
BY: MR. MATTHEW SUMMERS
455 Market Street
Suite 2100
San Francisco, CA 94105-2453

Court Reporter:

AMY M. KLEYNHANS, CSR, RPR, CRR
Federal Official Court Reporter
United States District Court
219 South Dearborn Street, Room 2318A
Chicago, IL 60604
Telephone: (312) 818-6531
amyofficialtranscripts@gmail.com

1 APPEARANCES (CONT'D):

2 For the Plaintiffs: JENNER & BLOCK, LLP
3 BY: MS. ANDRIANNA D. KASTANEK
4 MS. ANGELA ALLEN
5 MR. MICHAEL BRODY
6 MR. CHRISTOPHER SHEEHAN
7 MS. MARGARET M. HLOUSEK
8 MR. CHRISTIAN PLUMMER
9 MR. JAMES T. MALYSIAK
10 MR. JOEL T. PELZ
11 MR. JOHN D. VanDEVENTER
12 MS. REANNE ZHENG
13 MS. SAVANNAH McNEILY
14 MR. STEVEN TINETTI
15 353 North Clark Street
16 Chicago, IL 60654

17 For Defendants United Troutman Pepper Hamilton Sanders, LLP
18 Egg Producers, Inc., BY: MS. ROBIN SUMNER
19 and United States MS. KAITLIN L. MEOLA
20 Egg Marketers, Inc.: 3000 Two Logan Square
21 18th and Arch Streets
22 Philadelphia, PA 19103

23 Troutman Pepper Hamilton Sanders, LLP
24 BY: MS. WHITNEY REDDING
25 501 Grant Street
Suite 300
Union Trust Building
Pittsburgh, PA 15219

Troutman Pepper Hamilton Sanders, LLP
BY: MS. JESSICA RING
MS. MOLLY DiRAGO
227 West Monroe Street
Suite 3900
Chicago, IL 60606

20 For Defendant King & Spaulding
21 Cal-Maine Foods, BY: MR. PATRICK M. COLLINS
22 Inc.: MR. PATRICK OTLEWSKI
23 MS. LIVIA KISER
24 MS. TATUM ELLIS
25 MS. ABIGAIL HOVERMAN TERRY
MR. JORDAN BLOCK
MS. LEILA M. MORGAN
110 North Wacker Drive
Suite 3800
Chicago, IL 60606

1 APPEARANCES (CONT'D):

2 For Defendant KING & SPAULDING
3 Cal-Maine Foods, BY: MS. REBECCA L. PARADIS
4 Inc.: MR. HERSHEL WANJICER
1700 Pennsylvania Avenue, NW
Suite 900
Washington, D.C. 20006

5 BROWN FOX PLLC
6 BY: MR. ERIC WOOD
MR. BRIAN E. ROBISON
7 8111 Preston Road
Suite 300
8 Dallas, Texas 75225

9 For Defendant Rose PORTER, WRIGHT, MORRIS & ARTHUR, LLP
10 Acre Farms, Inc.: BY: MR. JAMES A. KING
MR. ALLEN T. CARTER
11 MR. ERIC B. GALLON
MS. GRACE E. KARABINUS
41 South High Street
12 Suite 2900
Columbus, OH 43215

13 PORTER, WRIGHT, MORRIS & ARTHUR, LLP
14 BY: MR. JAY L. LEVINE
MR. DONALD M. BARNES
15 2020 K Street, NW
Suite 600
16 Washington, D.C. 20006

17 PORTER, WRIGHT, MORRIS & ARTHUR, LLP
18 BY: MR. JOSHUA M. DILLE
321 North Clark Street
Suite 400
19 Chicago, IL 60654

20 PORTER, WRIGHT, MORRIS & ARTHUR, LLP
21 BY: MS. ANA P. CRAWFORD
250 East Fifth Street
Suite 2200
22 Cincinnati, OH 45202

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1 agreements with UEP and USEM, correct?

2 A. Members were participating, yes, sir.

3 Q. And going back to the first paragraph we're seeing here, I
4 would like you to read from "The difference" and the second
5 sentence ending with "situation."

6 A. "The difference between the purchase price of the eggs and
7 the 28-cent sale price plus trans-loading charges at the port
8 will be charged to those members committing to support
9 the export order. It's a win-win situation."

10 Q. You understood this to mean that UEP members would be
11 paying more for the eggs that they would be selling than they
12 would be receiving in the export, correct?

13 A. On those future purchases, yes, sir.

14 Q. That means that the UEP member would lose money on the
15 transaction, correct?

16 A. Yes, sir.

17 Q. And Mr. Gregory explained, despite the UEP member losing
18 money, that this would be a win-win situation, correct?

19 A. Yes, sir.

20 Q. And it's a win-win situation because Mr. Gregory believed
21 that by exporting these eggs, the price of eggs that United
22 States customers would be paying would increase, correct?

23 A. Yes, sir.

24 MR. FOX: Let's go to the next page.

25 Can we blow up this part.

1 Do you see that?

2 A. I do.

3 Q. And 75 shipping containers would hold somewhat -- a little
4 bit less than 2 million dozen eggs; is that right?

5 A. Yes, sir.

6 Q. All right. And it says here that the motion carried with
7 a seven to four vote.

8 Do you see that? See what's highlighted there?

9 A. Yes, sir, I do.

10 Q. You were one of seven egg producers to vote in favor of
11 this export, correct?

12 A. I believe so.

13 Q. All right. And because the committee, the majority of the
14 committee voted in favor of the export, the question went to
15 the USEM's overall membership for a vote, correct?

16 A. Yes, sir.

17 Q. And for the order to be accepted for the membership, a
18 majority of the membership had to vote in favor of it,
19 correct?

20 A. Correct.

21 Q. And if a majority of the membership voted in favor of the
22 export, then every member had to participate in the export,
23 correct?

24 A. That was the agreement, yes, sir.

25 Q. So even those on the committee who voted no, that they

1 didn't want to do the export on behalf of their committee, had
2 to participate in it, correct?

3 A. Correct.

4 Q. Now, Mr. Baker, we discussed earlier that if an egg
5 producer did not have enough surplus eggs to fill their export
6 order egg quota, they were required to purchase them on the
7 market, correct?

8 A. Yes, sir.

9 Q. And we also discussed how those producers would have to
10 purchase eggs sometimes at a price that was higher than they
11 would be selling the eggs for on the market, correct?

12 A. That's correct.

13 Q. And the minutes provide an example of just this in the
14 second paragraph.

15 MR. FOX: If we can show it.

16 BY MR. FOX:

17 Q. Do you see where it says, "Seeger reported"?

18 A. Yes, sir, I do.

19 Q. Please read that to the jury.

20 A. "Seeger reported the price of eggs delivered in an export
21 case to an East Coast port would be only 25 cents per dozen
22 thereby netting those members shipping eggs 20 cents per dozen
23 plus the value of equalized freight. Those asking UEP to
24 purchase eggs to fill their share would be invoiced the
25 difference between a 23-cent price and the purchase price."

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C E R T I F I C A T E

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Amy Kleynhans, CSR, RPR, CRR 10/24/2023
Official Court Reporter

/s/ Fran Ward, RPR, RMR, F/CRR 10/24/2023
Official Court Reporter

/s/ Jennifer Costales, CRR, RMR, CRC 10/24/2023
Official Court Reporter